

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CHUKWUMA E. AZUBUKO

*

Plaintiff

*

v

Civil Action No. JKB-11-1639

TOWN OF BROOKLINE PUBLIC SCHOOLS *
TOWN OF BROOKLINE PUBLIC SCHOOLS *
REGISTRAR, *
TOWN OF BROOKLINE ATTY (MURPHY), *
MASSACHUSETTS COMM. OF EDUCATION, *
MASSACHUSETTS' ATTORNEY GENERAL, *
and MASSACHUSETTS LEGISLATORS *

Defendants

*

MEMORANDUM

The above-captioned complaint was filed on June 13, 2011. Plaintiff seeks to proceed in forma pauperis.

Plaintiff states he has been a resident of Massachusetts for more than 26 years. His complaint concerns alleged improper denial of admission for his son to public schools located in Massachusetts. All defendants named are located in Massachusetts. The complaint seeks enforcement of both constitutional rights and rights afforded under Massachusetts law. In addition to monetary damages, Plaintiff seeks an order requiring the named school district in Massachusetts to permit children of employees who work within the Brookline school district to attend schools there. ECF No. 1.

Although unclear, it appears that Plaintiff is seeking to assert a claim based on a federal question. This court is not the proper forum for such a claim. Under 28 U.S.C. § 1331(b), a civil action that is not founded on diversity of citizenship may be brought only in the judicial district where any of the defendants reside, if all defendants reside in the same State or a judicial district

in which a substantial part of the events or omissions giving rise to the claim occurred, except as otherwise provided by law.

In every respect, Massachusetts is the proper venue for the instant action. Accordingly, the case will be transferred for all purposes to the United States District Court for the District of Massachusetts, 1 Courthouse Way, Boston, Massachusetts, 02210. A separate order follows.

June 21, 2011

Date

James K. Bredar

James K. Bredar
United States District Judge